

The Yuma County Board of Adjustment met in a regular session on September 20, 2022. The meeting was held at Aldrich Auditorium at 2351 West 26th Street, Yuma, Arizona.

**CALL TO ORDER:** At 1:00 p.m., Chairman Saltzer convened the Board of Adjustment meeting. Board Members present: Neil Tucker, Tim Eisenmann, Eric Saltzer and Rosalie Lines. Member Joe Harper was absent. Others present: Planning Director Maggie Castro, AICP; Associate Planner Jesus Carrillo; Chief Building/Fire Code Official and PZ Commission Admin Specialist Amber Kelly.

**PLEDGE OF ALLEGIANCE:** Chairman Saltzer led the Pledge of Allegiance.

**ITEM No. 3:** Approval of the Board of Adjustment regular meeting minutes of July 19, 2022.

MOTION (EISENMANN/LINES): Approve as presented.

ROLL CALL VOTE: Tucker- AY; Eisenmann – AYE; Saltzer- AYE; Lines- AYE.  
The motion carried 4-0.

**ITEM No. 4: Variance Case No. 22-08: Kevin & Carol C. King request a variance from the Yuma County Zoning Ordinance, 609.05—Principal Buildings Setback Requirements, Section 1102.02(E)—Setback Exceptions, and Section 1108.16—Recreational Vehicle, Boat, or Trailer Storage, to allow a front yard setback of three feet for a shade structure, a side yard setback of one foot and six inches for a shade structure, and a front yard setback of three feet for the storage of a recreational, on a parcel 6,725 square feet in size zoned Recreational Vehicle Subdivision, Assessor's Parcel Number 700-10-039, located at 10309 South Avenida Compadres, Yuma, AZ.**

Associate Planner Jesus Carrillo presented the staff report recommending denial of Variance Case No. 22-08 based on:

1. Staff finds there is no hardship arising from conditions or circumstances unique to the development of this property.
2. Staff finds there are no specific peculiar conditions applicable to this property to warrant granting of a variance.
3. The condition is self-imposed.

**If the Board of Adjustment approves this variance, staff suggests attaching the following conditions:**

1. This variance is valid for the time limits outlined in Section 403.07 of the Zoning Ordinance.
2. A permit must be obtained for the shade structure within 90 days of approval of this variance.
3. All required permits must be issued and finalized according to adopted Yuma County Comprehensive

Building Safety Code.

4. Approval of this variance is based on the site plan submitted. Any deviation from the site plan will require approval of a new variance by the Board of Adjustment.

Board Member Eisemann inquired about where the property was located.

Associate Planner Jesus Carrillo used the GIS system to show the Board the location of the property.

Board Member Lines inquired about the reason the neighbor is in opposition to the variance request.

Associate Planner Jesus Carrillo explained staff received a call from the neighbor stating he did not like the structure. There was no letter received.

Chairman Saltzer opened the public hearing.

Carol King, 10309 South Avenida Compadres, Yuma, Arizona, property owner, stated the neighbor in opposition are seasonal visitors and they have not seen the structure. She explained they left before the structure was built and have not been back yet. She explained after the shade was built, the County came to the property and stated there was a complaint. She stated staff advised them that the County was complaint driven and would not be at the property unless there was a complaint. She stated they met with staff and were advised that they needed to submit certified engineering plans and apply for a permit. She explained they had paid a contractor and thought the contractor had gotten a permit for the shade structure. She explained they had no reason to suspect the contractor did not properly get a permit for the shade structure due to their past experience with adding on to their house in 2018 with a hired contractor. She explained they then met with an engineer who insisted they return to the county office and speak to the zoning department. They met with staff and received instructions to apply for a variance. She stated the open-air sunshade design was carefully positioned and meets safety and visibility for the community. She explained how visibility did not change when the shade was placed. She stated the County should have a professional conversation with the contractor advising the contractor that he cannot build without a permit or tell the customer he has a permit when he did not. She stated this variance request was also for the parking position of their RV. She explained in all the times they had visited with staff the parking of the RV was never mentioned. After they applied for the variance for the shade structure, staff had made another visit to their home to inspect an in office violation add on about the parking of their RV. They were shocked due to the County repeatedly informing them that the county does not investigate without a complaint. She stated the policy was inconsistent and untrustworthy. She passed out pictures of her property to the Board members. She explained they have a vehicle in storage and a little truck that they use for short distance trips to the grocery store. However, they drive the RV frequently to the doctor's office, around town and in the evenings they will travel out to Quartzsite and come home in the mornings along with traveling out of town on the



weekends. She stated the RV is not in storage and not parked any differently than other RVs, desert toys and boats at other residences. She stated if the variance is not approved then they are being asked to accept a citation that others should be cited for. She stated the County should cite all those in violation, citing only a few people feels discriminatory. She requested the Board approve the variance for the specific conditions she had just explained.

Board Member Lines inquired about parking the RV elsewhere on the property.

Mr. and Mrs. King pointed at the picture of their house and explained the complications of parking the RV anywhere else on the property.

Chief Building/Fire Code Official Pat Headington stated he was present to answer any questions.

Board Member Lines inquired if the owners had made any changes to the shade structure.

Mrs. King stated the picture shown was the original shade structure and there had not been any modifications to the structure. She explained she was advised by the engineer to talk to Planning and Zoning and go to the variance meeting before making any changes.

Board Member Lines inquired if the engineer had spoken to the owners about meeting the fire code requirement.

Mr. King stated he did not and inquired if there was a fire code violation with the existing structure.

Chief Building/Fire Code Official Pat Headington stated he concurred with the owners that they should not invest any more funds into the structure until the results of the variance case. He explained the overhang on the property line on the backside would need to be reduced to five feet. He explained anything less than five feet would need fire protection for the eave and overhang, which would be problematic to accomplish. He stated the portion of the shade structure that covers the RV would survive engineering as long as the vertical portions of the awning are five feet from the property line. He stated there is a policy that could allow the post to be closer than five feet from the property line. However, that would require the wall thickness of the post to be 3/16-inch. He explained the reasoning for the policy.

Mr. King pointed at the picture and began asking the Chief Building/Fire Code Official questions about the shade structure.

Chairman Saltzer stated those questions and discussion could take place after the meeting.

There being no one else to come forward, Chairman Saltzer closed the public hearing.

Board Member Tucker stated allowing this variance would not serve the community.

Board Member Lines inquired to discuss each variance request separately to see what or if there was anything that could be granted.

Planning Director Maggie Castro, AICP, explained the Chief Building Official stated the portion of the structure on the south property line could not be any closer than two feet. She stated the board could vote to waive that requirement to allow a setback of two feet or twenty-four inches from the south property line. She explained compliance of the fire code would be required.

Board Member Tucker stated the complaint of people not being treated equally is a valid complaint. He explained the Board continuously has these types of variances. He explained the Board needs to do their duty which means that requiring individuals to uphold their covenant they agreed to when they purchased the property.

Planning Director Maggie Castro, AICP, explained if the owner removed the portion of the structure that is within five feet of the south property line, they would not have to comply with the Fire Code.

Chief Building/Fire Code Official Pat Headington explained if the portion that is currently projecting within the five feet of the property line was removed, it would make it easier to bring the balance of the structure in compliance with the Building and Fire Codes.

Board Member Saltzer inquired if there was a difference in storage and parking of the Recreational Vehicle.

Planning Director Maggie Castro, AICP, stated not for Recreational Vehicles.

Board Member Saltzer stated that the parking of the RV was the problem.

Planning Director Maggie Castro, AICP, explained the Zoning Ordinance states that storage of RVs in the front yard setback is prohibited. The RVS zoning district allows a front setback of ten feet.

MOTION (TUCKER/EISENMANN): Deny Variance Case No. 22-08.

ROLL CALL VOTE: Tucker- AY; Eisenmann – AYE; Saltzer- AYE; Lines- NAY.  
The motion carried 3-1.

**ITEM No. 5: Discussion by the Board members and Planning Director of events attended, current events, and the schedule for future Board of Adjustment meetings.**

There being no further business to come before the Board, the Chairman adjourned the meeting at 1:56 p.m.

Approved and accepted on this 18<sup>th</sup> day of October 2022.

  
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Eric Saltzer, Chairman

ATTEST:



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Maggie Castro, AICP, Planning Director